

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BRADLEY K., individually and on behalf of  
M.K., a minor,

Plaintiff,

v.

KAISER FOUNDATION HEALTH PLAN  
OF WASHINGTON OPTIONS,

Defendant.

CASE NO. 21-CV-00424-LK

ORDER DISMISSING CASE AND  
DENYING UNOPPOSED MOTION  
TO CHANGE CAPTION AND  
APPROVE SETTLEMENT


This matter comes before the Court on Plaintiff's Unopposed Motion to Change Caption and Approve Settlement. Dkt. No. 48. On June 7, 2022, the Court ordered the parties to either (1) petition the Court for appointment of an independent guardian ad litem to review their proposed settlement or (2) file a brief explaining why their proposed settlement does not trigger the Court's special oversight. Dkt. No. 47 at 2; *see* LCR 17(c); *Robidoux v. Rosengren*, 638 F.3d 1177, 1181 (9th Cir. 2011). Plaintiff now avers that there is "no need for the appointment of a [g]uardian ad litem" because M.K. "is not a minor nor was he a minor at the time of the filing of the Complaint[.]" Dkt. No. 48 at 1; *see id.* at 2–3 ("Because M.K. had turned 18 years old in March of 2020, M.K.

1 was an adult and at the time of filing the caption of the case should have identified him as an adult.  
2 Plaintiff's counsel regrets the error.").

3 Plaintiff believes that the proper remedy is to amend the caption to include M.K. as a named  
4 plaintiff "and then approve the stipulated settlement." *Id.* at 1, 4. He also asks the Court to dismiss  
5 the action. *Id.* at 4.

6 Because M.K. was an adult at all material times, the Court's special duty is not triggered,  
7 meaning it does not need to approve the settlement. Nor is it necessary to amend the caption; the  
8 facts of the complaint support Plaintiff's contentions regarding M.K.'s age. *See, e.g.*, Dkt. No. 2  
9 at 3 (noting that "prior to high school," M.K. had been a high performer, but in 2016 (presumably  
10 when he was in high school) he became depressed and started missing school). The Court therefore  
11 DENIES Plaintiff's Unopposed Motion to Change Caption and Approve Settlement. Dkt. No. 48.  
12 Pursuant to the parties' stipulation and proposed order of dismissal, Dkt. No. 46, their clarification  
13 of M.K.'s age, Dkt. No. 48, and Federal Rule of Civil Procedure 41(a)(1)(A)(ii), this case is  
14 DISMISSED with prejudice and without costs.

15 Dated this 28th day of June, 2022.

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17 Lauren King  
18 United States District Judge  
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